

## Message from the Chair

As I write my first article as chair, I am cuddling my sick two-year-old on my lap. Holding her reminds me what really matters in life: the hug of a loved one, having a best friend's shoulder to cry on, and the support you receive from a colleague. In this day and age when it seems everything is out of control, it is nice to know that there are people that you can count on, and for me some of those people are my fellow council members.

I think you always experience a little fear when you take on a new challenge. There is the fear that you are not going to do a good job, that you are going to let others down, or that you are going to forget something really important. I have been lucky; I haven't experienced that fear coming into the chair position, for each council member has already stepped forward asking how he/she can assist, and it is that support that has taken the "fear" out of the upcoming year.

You may wonder how long the council members have known each other—some of us have known each other for years; others of us are new to the council this year. The amount of time that we have known each other, however, doesn't factor into our support for each other—we automatically support each other because we have a common bond: we care about our profession. I hope that eventually each of you will have an opportunity to experience this kind of support by sitting on the council, volunteering for one of our committees, or writing an article for the *Michigan Paralegal*.

—Marianne B. Delaney, CP

Issue 1, 2010

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#### Disclaimer

Articles and columns that appear in the *Michigan Paralegal* do not necessarily reflect the official position of the Paralegal/Legal Assistant Section of the State Bar of Michigan, and their publication does not constitute an endorsement of views that may be expressed. Publication and editing are at the discretion of the editor. The *Michigan Paralegal* encourages republication and dissemination of articles it publishes. For information regarding permission to reprint articles, please address inquiries to the editor.

#### Editor's Note

The newsletter is published quarterly.

Newsletter submissions (Calendar Events/Items, Letters to the Editor, Section News and Business, Section Committee News/Reports, National and International News, State and Local News) and Advertising should be sent to the attention of KathyAnn Blunck at [kblunck@shrr.com](mailto:kblunck@shrr.com).

#### Section Mission

The Paralegal/Legal Assistant Section of the State Bar of Michigan provides education, information and analysis about issues of concern through meetings, seminars, the website, public service programs, and publication of a newsletter. Membership in the Section is open to qualified paralegals, legal assistants, and to all members of the State Bar of Michigan. Statements made on behalf of the Section do not necessarily reflect the views of the State Bar of Michigan.

## 2009-2010 Council and Committee Directory

**Chairperson**—Marianne B. Delaney, CP  
(313) 253-7510, [mdelane6@ford.com](mailto:mdelane6@ford.com)

**Chair elect**—Casey M. Mobley

**Secretary**—Jeanne Nyhuis, CP

**Treasurer**—MaryJo White

**Ex Officio Chairperson**—Nicole M. Cook

#### Council

Elsie I. Morren (2008-2010)  
Virgie D. Roth, PP (2008-2010)  
Tanya S. Vella (2008-2010)  
Kelly J. Dufty, CP (2009-2011)  
Denise E. Gau (2009-2011)  
KathyAnn Blunck (2009-2011)

#### STANDING COMMITTEES

**Annual Meeting**—KathyAnn Blunck, Chair

**Education**—Nicole Cook, Chair

**Job Bank**—Jeanne Nyhuis, CP, Chair

**Membership**—Denise E. Gau, Chair

**Michigan Paralegal**—KathyAnn Blunck and Tanya Vella

**Policies**—Kathleen D. Kasiorek, CP, Chair

**Pro Bono**—Tanya S. Vella, Chair

**Public Relations**—Linda S. Jevahirian, Chair

**Section Name Change Ad Hoc**—Vacant

**Scholarship**—Cheryl Nodarse, CLA, Chair

**Strategic Planning**—Ida Farhat, ACP, Chair

**Website**—Kathleen D. Kasiorek, CP, Chair

# Protecting Creative Works with Copyrights

By Sam Frederick

Michigan has become a Mecca for film and creative work projects in the last two years since the State passed the refundable film tax credit of up to 42 percent. With a vibrant and growing film industry nurturing creative talent in Michigan, it is important to consider the power of copyright as it relates to all artistic endeavors.

Whether you are writing a poem, finishing your first novel or screenplay, taking pictures, drawing, painting, making music, filming a movie, or just creating websites, copyright is the primary protection of your original creative work. A copyright is also the legal right that allows you to license or sell your work and still retain control and ownership in the original work. A copyright protects creative expression. It must be new and original—not a mere replication of someone else’s work.

The name “copyright” was coined from the words “copy” and “right” to indicate that the author has the right to make copies. Copyrights are automatic. Any original work of authorship is copyrighted *immediately upon* its creation (as a matter of law) so long as it is fixed in any tangible medium of expression from which it can be perceived or recorded.

For example, if a writer writes a story, the copyright vests initially (automatically) in the author or authors of the work. The author then has the sole right to use, license, or sell the work and make “derivative” works. A derivative work is a work that derives from the original work. An example would be *Back to the Future Part II*, the original work being *Back to the Future*. Whoever owns the original right controls the right to decide whether or not a sequel or a derivative can be created.

The duration of a copyright is long. The term of a copyright for a work created after January 1, 1978 is the life of the

last surviving author plus 70 years. If the author is anonymous, pseudonymous (think author of *Primary Colors*), or is a work made for hire, the term is 95 years from publication or 120 years from creation, whichever expires first.

Artists and the entertainment industry play on the playground of copyright law. If you were to sell a sculpture you have created or option the rights to a screenplay for a movie, copyright governs the rights and responsibilities of the parties. Many of the disputes that result from creative works in the entertainment industry relate to ownership and infringement of copyrights.

If you as an author sufficiently develop a character or image in a story, you as the copyright author (unless you sell or assign the right to someone else) own the right to the reproduction of that sufficiently developed character or image. There are numerous instances in the entertainment industry of copyright infringement arising out of characters in a story. In a landmark case involving Star Wars, a toy company was sued for its unauthorized reproduction of the characters Darth Vader, C-3PO, and R2-D2. In another case, a court found copyright infringement for the unauthorized use of the “E.T.” character name used in conjunction with the phrase “phone home.” These are proprietary rights that the owners of the copyright exclusively control.

Therefore, if you are creating—whether on your laptop, sketch pad, canvas, or film room—you should harness the power of all rights associated with a copyright and be aware of the rights others may seek to assert based upon their copyrights. As an author, you or your legal representative can file a copyright registration with the U.S. Copyright Office. You must have a federally filed copyright before you can file a lawsuit to stop infringement. Filing a copyright in the U.S.



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## Protecting Creative Works . . .

Copyright Office also provides proof of when the work was created. Owners of a copyright should also provide notice of their copyright by using: (1) the symbol © or “Copyright,” (2) the year first created, and (3) the owner’s name.

If selling the rights, or commercializing a piece of art or authorship, be aware of your rights in the original work, the rights to create derivatives, the duration of your rights, and the potential rights of others. Your copyright is created upon creation but is not completely protected from infringement until it is federally registered. Be creative and successful in your artistic endeavors, and know the rights of your copyright—because, as the saying holds true, imitation is the finest form of flattery.

*The author, Sam Frederick, is an attorney with the law firm of Foster, Swift, Collins & Smith P.C. and practices in the areas of copyrights, trademarks, licensing, and commercial matters. He can be reached at [sfrederick@fosterswift.com](mailto:sfrederick@fosterswift.com).*

## New Members

- Michelle Lynn Beddingfield, Adrian
- Brenda Joyce Beiter, Pontiac
- Lisa Anne Canning, Traverse City
- Tracey Lynn Carlson, Novi
- Wendy Sue Cusenza, CP, Livonia
- Judy A. Entrekin, Flint
- Sara Mae Farris, Southfield
- Doreen Rae DeFauw, Bloomfield Hills
- Marianne D. Downer, Bloomfield Hills
- Ericka L. Gorski, Bingham Farms
- Patience Marie Hall, Royal Oak
- Laura Lynn Hughey, Flint
- Katharine I. Lyon, Flint
- Patricia Lynn Maldonado, Livonia
- Casey Marie Mobley, Lansing
- Jeannette J. Morgan, Bloomfield Hills
- Lina S. Putrus, Southfield
- Elizabeth Joann Rogatski, Ann Arbor
- Jessica Lynn Rogers, Adrian
- Piper Paton Smith, Troy
- Brenda M. Thomas, CP, Bloomfield Hills
- Dina T. Trudeau, Kalamazoo
- Julie L. Weitzman, Bloomfield Hills
- Laurie Ann White, Novi
- Mary Jo White, Lansing
- Lynn Sharon Wizinsky, Troy



## Meet Your Council

### Elsie Morren

I have been in the legal profession for over 20 years. Currently, I am a patent paralegal at Alticor Inc. (parent company of Amway Corporation). In that role, I support three patent attorneys in the day-to-day prosecution and management of patent matters, including the filing of foreign and PCT patent applications, management of the payment of patent annuities, and maintenance of the patent docketing system. While the patent process is very complex and costly, it is necessary to protect the company's inventions and other IP assets.

During my 15 years at Amway, I've gained exposure to trademarks and copyrights, and for 6 years registered the company's top level domain names and maintained the domain name Access database.

Prior to my employment with Amway, I worked in small-law firms in the area of litigation, family law, bank defense, and real estate.

I received my bachelors in applied science from Davenport University and then my post-baccalaureate certificate in paralegal studies from Davenport University (an ABA-approved program). I have been a member of the State Bar of Michigan Paralegal/Legal Assistant Section since 2001 and have served as a council member since September 2007. I am an active member of the Grand Rapids Bar Association and also a member of NALA since 2002.

Quality time with my family, and especially with my husband, Mike, and daughter, Brittney, is important to me. I am an advocate for diabetes and also a registered volunteer for Girl Scouts of Michigan Shore to Shore, participating in many activities in community service with my daughter's troop.

The starting point of all achievement is desire.

### Casey M. Mobley

My name is Casey Mobley, and I am a freelance paralegal and owner of Paralegal Services of Casey Mobley. I am currently contracted as an immigration paralegal for Reid Law Offices, P.L.C. I obtained my associates degree in business, paralegal studies from Lansing Community College, and I will be obtaining my bachelors degree in business administration and management in May 2010 from Northwood University. In my free time I enjoy spending time outdoors, sewing, baking, and researching my family tree.

### Kelly J. Dufly

I have a BA in Spanish and French and a post-grad certificate in legal studies. I received my certified status in 2008 and have been working as a paralegal since 2006. I am a student at NYU for translation, specializing in legal and commercial transactions, and I teach a Spanish class in the evenings. I work in many areas of the law, including probate/estate, business/corporate, general civil, municipal/drain/land use, general litigation.



Invite someone you know to join the fun

Invite someone to join the section.

Section membership forms can be found at  
<http://www.michbar.org/sections>

## Save The Date

Mark your calendars for Friday, May 7, 2010 - the Annual Day of Education. Even though we are in the initial planning stages of the event, we know that it will be held at Baker College's Auburn Hills Campus. The SBM Paralegal/Legal Assistant Section will be partnering again with the Association of Litigation Support Professionals (ALSP). We are not only looking forward to a great day of education, but a great Thursday night event as well. You won't want to miss it.

# Gaining Some Perspective

By Amanda K. Garcia-Williams

Prior to her confirmation as the first Latina Supreme Court justice of the United States, Sonia Sotomayor participated in a panel discussion during which she made the comment, “I would hope that a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male who hasn’t lived that life.” After receiving much attention for this comment, Justice Sotomayor stated during her Senate confirmation hearings that the comment, “was bad, because it left an impression that I believed that life experiences commanded a result in a case.”

I will not assume to know exactly what Justice Sotomayor meant by her comment. However, it resonated with me, not as a discourse on judicial decision making, but rather as an acknowledgement of varying perspectives and the ways in which they influence our views.

I do not find it controversial to state that a group of people from diverse backgrounds, experiences, and knowledge bases often produce better decisions than a homogeneous group of people. The old adage “Two heads are better than one” is especially true when both “heads” know a variety of information and have differing viewpoints. We gain perspectives in many ways, including through our experiences as members of a particular race, sex, or culture.

Our life experiences teach us skills and information, and help us navigate our world. Depending on these experiences, we may have different opinions about the best way to handle certain situations.

As legal professionals, we are trained to spot legal concerns, research, write, and communicate. However, there are many different styles of writing, marketing, advocating, and

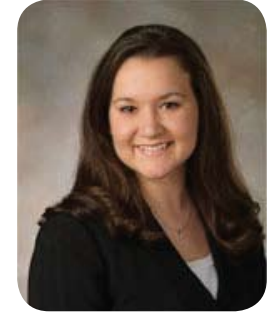
interacting. No style is perfect, and we can all learn from each other ways to improve.

I am an employment attorney; however, I have never been fired from a job, nor have I received unemployment benefits. I have been treated differently because I am female, and I have witnessed severe forms of discrimination against people I care about. These past experiences, and lack thereof, shape and limit the way I view employment litigation. As such, I welcome contributions from fellow attorneys, paralegals, and staff members who may view these employment matters a bit differently. They help me see opposing arguments and help me communicate more effectively with my clients.

It seems like more days than not lately, I hear someone mention “these tough economic times.” This phrase is used to justify all manners of individual financial precaution, from canceling our vacations to clipping coupons. In our typically changing, developing, and innovative business world, we currently see increased precaution. In an effort to hunker down and wait out this economic storm, businesses seem opposed to any change that may be viewed as a risk.

To that end, diversity efforts, recently touted as an innovative and even necessary part of an expanding business world, have been recently brushed aside as an overindulgence. Change is scary for all of us, especially now. Change is most difficult for those who benefit most from the status quo. If we are to succeed, however, it will be innovation and forward thinking that will get us there.

Diversity is not simply a means of social kindness, it is the means for improvement. Without a diversity of perspectives, critical elements are missed when decisions are made.



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## Gaining . . .

Without a diversity of intellect, questions are unanswered and wrong results may occur. When we surround ourselves with those that think like we do, act like we do, and know what we know, we are insulated from hearing ideas that we may need to critically entertain, and we fail to see alternatives.

Lack of diversity may make us feel safe and comfortable, especially in times of economic turmoil. However, our failure to receive the perspectives of others, to boldly participate in the ideas of innovators and views of visionaries, will only serve to prolong this crisis. Let's bring more perspectives to the table. This may mean considering diversity goals during hiring, but it also means including current employees in the decision making, whose perspectives may not have been appreciated in the past. In doing so, we may be able to solve not only the difficult legal questions considered by our newest justice, but the difficult business and life decisions faced by us all "in these tough economic times."

*Amanda K. Garcia-Williams joined Foster Swift in 2006 as an associate in the employment, labor and benefits group. She focuses her practice in the areas of employment litigation, labor and employment, alternative dispute resolution, library law and discrimination, including unlawful harassment. She is admitted to practice in Michigan and in the U.S. District Court for the Western District of Michigan. Amanda is a member of the state Bar of Michigan, the Hispanic Bar Association, the Society for Human Resource Management, the Michigan Public Employer Labor Relations Association and the Human Resource Management Association of Mid-Michigan.*

## The Paralegal Job Search Strategy

By Linda S. Jevahirian

**F**inding a paralegal position can be a greater challenge than you expected. If you are looking for an entry-level job, you will soon discover that most of the positions that are posted require experience. If you are experienced, you are probably keeping an eye on the Internet, but when you "click to apply," you get no response.

One way to get around this dilemma is to target positions in the hidden job market. These are the jobs that are never advertised. They are either filled by referral or by people the employer is acquainted with. There are some techniques that can help you find this market.

Referrals are prime sources. The director of the program you graduated from is the first person you should contact for an entry-level position. These are superior opportunities because the lawyer is up front about his or her willingness to train a newcomer. Paralegal associations are an ideal place to meet paralegals who can refer you to positions in their own firms and corporations. This works for entry-level as well as experienced paralegals. Organizations almost always start with their current employees when they are looking for referrals.

Information interviewing is an excellent tool. Talking to people who do what you want to do, or who hire people who do what you want to do, can create opportunities that previously did not exist. It is also a good way to clarify your goals.

If you have some experience, you may have some luck applying for jobs listed on the Internet. Before you take this route, you should know that when you "click to apply," there are no guarantees that your résumé will be read. Some résumés are knocked out by filters before they get to a recruiter. Others never make it to the top of the pile before the company hires.



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## Paralegal Job . . .

If you are currently employed but are interested in finding a new position, you will have to be cautious about posting your résumé online. It is nearly impossible to keep your interest confidential if your résumé is on every job site you can find. If your boss is surfing the Net, he is bound to see that you are looking. It could be disastrous.

Direct contact with the hiring authority is in all cases the most productive way to handle a job search. The best way to make this happen is to rely on referrals, and to launch an aggressive prospecting campaign.

According to the United States Department of Labor, the paralegal profession is expected to grow exponentially. If its forecast is accurate, being able to locate the openings before they are advertised will be in your favor. If you leave your luck to the fate of posted openings, you may get a totally different result.

*Linda S. Jevahirian is the founder and president of Legal Search & Management, Inc. She has provided paralegal recruiting services to law firms and corporations for more than 20 years, and has advised thousands of paralegals about employment in the profession.*

*A graduate of the University of Michigan, Linda also holds a diploma from the paralegal program at Oakland University. She is an active member of the Detroit Metropolitan Bar Association, the Oakland County Bar Association, and the State Bar of Michigan.*

*“The Paralegal Job Search Strategy” and “Interviewing Strategies for Paralegals” are two seminars designed to make all of the job finding tools work for you. For more information, contact Linda at (248) 471-3443 or linda@legalsearchonline.net*

## Calendar of Events

**NALA** [www.nala.org](http://www.nala.org)

- **March 19–20, 2010** CP Exam

**NFPA** [www.nfpa.org](http://www.nfpa.org)

- **March 26–27, 2010** 2010 NFPA Tech Institute, San Jose, CA
- **October 7–10, 2010** NFPA Annual Convention

**NALS** [www.nals.org](http://www.nals.org)

- NALS of Michigan will award a \$1,000 scholarship in April 2010. The scholarship is available to members and non-members of NALS of Michigan, enrolled in a school of advanced education in the legal field. Complete the application and follow the instructions in the regulations section. **The deadline for applications is January 15, 2010.**
- **October 21–24, 2010** Education Conference and National Forum, Branson, MO

**AAFPE** [www.aafpe.org](http://www.aafpe.org)

- **October 27–30, 2010** 29th Annual Conference, Indianapolis, IN
- **November 2–5, 2011** 30th Annual Conference  
Hyatt Regency Baltimore, Baltimore, MA
- **October 24–27, 2012** 31st Annual Conference  
Hyatt Regency Savannah, Savannah, GA

**Paralegal/Legal Assistant Section of the State Bar of Michigan**

[www.michbar.org](http://www.michbar.org)

- **May 7, 2010** Paralegal/Legal Assistant Section of the State Bar of Michigan’s Annual Day of Education. Save the Date; watch your mail for more information.
- **Sept. 29-Oct. 1, 2010** The State Bar of Michigan’s Annual Meeting and ICLE’s Solo & Small Firm Institute, DeVos Place/Amway Grand Plaza Hotel in Grand Rapids, MI

If you would like to post your event, please e-mail me at [kblunck@shrr.com](mailto:kblunck@shrr.com)

# Council News - Highlights of Council Meetings\*

By Jeanne Nyhuis, section secretary

**August 11, 2009:** The council met via teleconference on Tuesday, Aug. 11, 2009, at 12:20 p.m. The treasurer reported a fund balance of \$25,454.62 as of June 30, 2009, and announced that the section had made a modest \$251.63 profit on the 2009 Annual Day of Education. One declaration of candidacy for the five open council seats and two declarations of candidacy for committee positions for the term of office beginning Sept. 2009 have been received to date. If necessary, nominations may be made from the floor at the section's annual meeting to be held on Sept. 18, 2009, at the Hyatt Regency, in Dearborn, Michigan. The four winners of this year's scholarships (one \$750 and three \$500 scholarships) will be announced at the annual meeting. The section will sponsor its own educational session following the meeting; Suzanne Schultz, a paralegal at Miller Canfield, will speak on "Paralegals and Computers." In view of the tough economy, council members considered amending the current policy of not posting agency job openings on the Section's job bank, but council decided to leave the policy in place.

**September 17, 2009:** The council met via teleconference on Thursday, Sept. 17, 2009, at 7:06 p.m., on the eve of the SBM annual meeting, in Dearborn, Michigan. Chair Nicole Cook announced that approximately 30 people have registered for the section's Sept. 18 annual meeting/luncheon. Two declarations of candidacy for five open council seats have been received. If necessary, nominations may be made from the floor at tomorrow's annual meeting. If nominations do not fill all open council positions, the council may fill the vacancies itself. Council set the date for next year's Annual Day of Education for May 7, 2010 (first Friday of May, to fall within Law Week). Possible locations include Baker College, in Auburn Hills; Lansing Community College; and Davenport University, in Grand Rapids (site of this past year's event). Council members dis-

cussed entertainment law and pet law as possible themes. Council discussed the need to complete all remaining steps necessary to implement the section's name change from "Legal Assistants Section" to "Paralegal/Legal Assistant Section," including amendment of the Michigan Court Rules.

**October 7, 2009:** The council met via teleconference on Wednesday, Oct. 7, 2009, at 12:17 p.m. Council welcomed new Chairperson Marianne Delaney, Chair-elect Casey Mobley, and council members Denise Gau and Kelly Dufty, elected at the section's annual meeting. Council appointed Valerie Fischer to a two-year (2009-2011) seat, Tanya Vella to a one-year (2009-2010) seat (completing Chair-elect Casey Mobley's two-year term), and Mary Jo White to the office of treasurer for a two-year (2009-2011) term. Council set meeting dates and times for 2009-2010 (Nov. 21, Jan. 9, March 20, May 6, July 10, Sept. 23). Council selected Baker College, of Auburn Hills, Michigan, as the location for next year's Annual Day of Education, to be held on May 7, 2010. Council tentatively agreed on an entertainment law ("Mollywood") theme for the event and proposed three educational tracks: an entertainment law track, a traditional law track (amenable to CLE credits), and, if ALSP is willing to offer it once again, a technology track. Council members agreed to charge registration fees similar to those charged for the 2009 event, namely, \$0 for students attending the host facility, \$15 for all other students, \$40 for section members, and \$60 for non-section members. Membership Chair Denise Gau has prepared a welcome packet to be sent to new section members to acknowledge their memberships. Council expressed an interest in sponsoring a table at the 7th Annual Vendor Expo, hosted by the Detroit Metropolitan Bar Association's Paralegal Section, to be held in October 2010.

**Complete minutes are available to section members upon request to the section secretary.**

# Photos from the 2009 State Bar of Michigan Annual Meeting



Induction of New Council. Speaker Suzanne K. Schultz, Elsie Morren, Denise Gau, Marianne Delaney CP, Virgie Roth PP, and Jeanne Nyhuis, CP



Cheryl Nodarse and Nicole M. Cook



Nicole M. Cook, Chair

**Save the dates for the State Bar of Michigan Annual Meeting**

September 29-October 1, 2010  
DeVosPlace, Grand Rapids